

United States District Court

DISTRICT OF

Comerio

Plaintiff

APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT

Army Board Correction Military Records

Defendant

CASE NUMBER:

Richard W. Comerio

☒ petitioner/plaintiff/movant ☐ other declare that I am the (check appropriate box)

In the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 U.S.C. §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☐ Yes ☒ No (If "No" go to Part 2)

If "Yes" state the place of your incarceration _____

Are you employed at the institution? _____

Do you receive any payment from the institution? _____

Have the institution fill out the Certificate portion of this affidavit and attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions

2. Are you currently employed? ☒ Yes ☐ No

a. If the answer is "Yes" state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

0 - see affidavit

b. If the answer is "No" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

last employed by U.S. for month of April 1996

3. In the past twelve months have you received any money from any of the following sources?

- | | | |
|---|------------------------------|--|
| a. Business, profession or other self-employment | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| b. Rent payments, interest or dividends | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| c. Pensions, annuities or life insurance payments | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| d. Disability or workers compensation payments | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| e. Gifts or inheritances | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| f. Any other sources | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

If the answer to any of the above is "yes" describe each source of money and state the amount received and what you expect you will continue to receive.

4. Do you have any cash or checking or savings accounts? ☐ Yes ☒ No

If "yes" state the total amount. _____

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property? ☐ Yes ☒ No
If "yes" describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

None

I declare under penalty of perjury that the above information is true and correct.

DATE
21 July 04

SIGNATURE OF APPLICANT

CERTIFICATE

(Incarcerated applicants only)
(To be completed by the institution of incarceration)

I certify that the applicant named herein has the sum of \$ _____ on account to his/her credit at (name of institution) _____. I further certify that the applicant has the following securities to his/her credit: _____
_____ I further certify that during the past six months the applicant's average balance was \$ _____

A ledger sheet showing the past six months' transactions: _____

☐ is attached ☐ is not available at this institution

DATE

SIGNATURE OF AUTHORIZED OFFICER

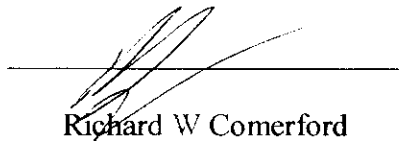
Affidavit of Richard W. Comerford

In Support of Application to Proceed Without Payment of Fees

1. I am a member of the armed forces of the United States.
2. I entered active duty on or about May 1975.
3. I served on active or full time duty as an Infantry or Special Forces soldier.
4. In August 1993 I was serving as Commandant of the Recondo (reconnaissance-Commando) School at Camp Edwards, Massachusetts.
5. I was injured in the line of duty while on active duty rescuing a comrade on or about August 1993.
6. The line of duty investigating officer found that I had been injured in the line of duty.
7. The government purported that I had not been on active duty when I had been injured in the line of duty in August 1993 and denied me entitled medical care.
8. I was found medically fit only for office work on or about July 1994.
9. I was certified as incapacitated by my commander on or about July 1994.
10. I was separated from active duty without medical care, pay, due process or discharge certificate on or about July 1994.
11. The line of duty investigation found that I had been separated from active duty because I was medically fit only for office work and I could not conduct **physically demanding and dangerous Recondo Courses** on or about August 1994.
12. I initiated a complaint with the US Army Inspector General on or about December 1994.
13. The IG found that I had been **injured in the line of duty while on active duty** and that I had been improperly separated from active duty in July 1994 and that I had denied entitled medical care and pay in violation of regulation.
14. The IG recommended that I be returned to active duty.
15. The government continued to pay me until on or about April 1996 but it did not return me to active duty or provide entitled active duty medical care.

16. The government refused to either discharge me from active duty or to pay me after April 1996 but held me in a limbo state.
17. Without a discharge certificate from active duty I cannot receive retirement or Veterans benefits and I cannot legally work for pay.
18. After I communicated with the IG in 1994 the government accused me of the purported theft of over \$105,000 in government funds and investigated me for the purported theft until it informed me on or about September 2003 when it informed me that the evidence neither proved nor disproved that the purported criminal offenses had occurred.
19. I am innocent of the criminal accusations made against me by the government.
20. I last received pay from the government for the month of April 1996.
21. I have not received pay from any other source, company or employer since April 1996 – my sole employer since about August 1973 has been the US Department of Defense.
22. I have spent my savings fighting the government on this matter, defending myself from the purported criminal accusations and paying for my medical care and rehabilitation.
23. I have survived by the charity of my wife - God bless her.
24. I do not own a car, stocks, bonds, other financial instruments, automobiles or other valuable property.

The information in this affidavit is true and correct to the best of my knowledge as of the date of my signature below.


Richard W Comerford

Date: 21 July 2004